IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

(1) S.B.CRIMINAL MISC. PETITION NO. 542/2004
(P.K.Mathur & Anr. Vs. State of Rajasthan & Anr.)

(2) S.B.CRIMINAL MISC. PETITION NO. 543/2004
(P.K.Mathur & Anr. Vs. State of Rajasthan & Anr.)

Date of Order : 25/07/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Anil Kumar Singh for the petitioners.
Mr. Ashok Upadhyay, public prosecutor
Dr. S.S.Jodha for the non-petitioner No.2.

BY THE COURT:-

Heard learned counsel for the parties.

By the instant criminal misc. petitions, the petitioners have challenged the orders dated 07.6.2004 passed by Chief Judicial Magistrate, First Class, Sardar Shahar, Churu (for short 'the trial court' hereinafter) in Criminal Cases No. 151/2002 & 229/02 whereby the trial court dismissed the applications filed by the petitioners under Section 190 Cr.P.C., seeking review/recalling of the orders dated 22.5.2002 & 19.8.2002 respectively taking cognizance of the offence against the petitioners.

Learned counsel for the petitioners has relied on two decisions of this Court reported in 2004 (2) WLC 665 Raj. and

1975 WLC UC 514.

Learned counsel for the non-petitioner No.2 submits that in view of decision of this Court in Hari Ram Vs. State of Rajasthan, 1999 Cr.L.R. (Raj.) 409, no sanction is required to prosecute a Junior Engineer.

By the order impugned dated 07.06.2004 the trial court refused to review/recall the orders dated 22.5.2002 and 19.8.2002 taking cognizance against the petitioners. The view of the trial court cannot be said to be faulty in view of the decision of Hon'ble Supreme Court in Adalat Prasad Vs. Rooplal Jindal and Ors., JT 2004 (7) SC, 243, wherein the Hon'ble Supreme Court held that Criminal Procedure Code does not contemplate review of an order.

In the circumstances, therefore, the trial court was justified in dismissing the applications seeking review of the orders taking cognizance. Learned counsel for the non-petitioner submits that after taking cognizance, the trial court has framed the charges and proceeded with the matter. This has not been disputed by the learned counsel for the petitioners.

In this view of the matter, I do not find any merit in the petitions. The petitions are therefore, dismissed. Stay petitions also stands dismissed.

(H.R.PANWAR),J.

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